

**STATE OF MINNESOTA
BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING,
LANDSCAPE ARCHITECTURE, GEOSCIENCE AND INTERIOR DESIGN**

**In the Matter of
Robert A. Walz, Unlicensed**

**CEASE AND DESIST ORDER
AND
NOTICE OF RIGHT TO HEARING**

Board File No: 2013-0017

TO: Mr. Robert A. Walz
Walz Engineering, LLC
48649 Van Dyke Avenue
Shelby Township, Michigan 48317

ALLEGATIONS

The Complaint Committee ("Committee") of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") alleges as follows:

1. A complaint concerning Robert A. Walz ("Respondent") has been received and reviewed by the Committee. The Board is authorized by Minnesota Statutes section 326.111, subdivision 3(a) (2012) to issue cease and desist orders requiring a person to cease and desist from the unauthorized practice of professional engineering and the unauthorized use of the title Professional Engineer in this State. The Board has delegated this authority to the Committee.
2. Respondent was licensed by the Board as a Professional Engineer in the State of Minnesota on July 27, 1987, license number 18460.
3. On June 30, 2012, Respondent's Professional Engineer license in the State of Minnesota expired.
4. Respondent is not currently licensed by the Board as a Professional Engineer in the State of Minnesota.

5. Respondent signed and certified engineering plans, representing that "I am a duly registered professional engineer under the laws of the state of Minnesota" and including his expired Minnesota PE license number, for a project located in Richfield, Minnesota, on October 2, 2012. The sheets signed and certified by the Respondent for the project located in Richfield, Minnesota were

labeled:

- 1 Cover Sheet
- 2 Sheet #1 – layout plan
- 3 Sheet #2 – elevation drawings
- 4 Sheet #3 – plan view
- 5 Sheet 4 – cross section "CS1" and details
- 6 Sheet # C1 –wind uplift and soil bearing calculations

6. The Board sent an allegation letter to Respondent at his last known address on file with the Board, by certified mail, #7010 0780 0001 5886 4023 on November 19, 2012. The allegation letter set a December 17, 2012 deadline for Respondent to respond in writing to the allegations in the letter. On November 29, 2012, the Board received the green certified mail receipt signed by Robert Walz.

7. The Board sent another allegation letter to Respondent at his last known address on file with the Board, by certified mail, #7010 0780 0001 5886 4474 on February 22, 2013. The allegation letter set a March 22, 2013 deadline for Respondent to respond in writing to the allegations in the letter. On March 1, 2013, the Board received the green certified mail receipt signed with an unidentifiable signature.

8. Additionally, the Board sent the same allegation letter by regular U. S. Mail, to the same address as the certified mail #7010 0780 0001 5886 4474 on February 22, 2013. As of the date of this Cease and Desist Order and Notice of Right to Hearing, this letter sent by U.S. Mail, has not been returned to the Board by the U.S. Post Office.

9. As of the date of this Cease and Desist Order and Notice of Right to Hearing, Respondent

has never responded to either of the allegation letters sent on November 19, 2012 and February 22, 2013.

10. The Board sent a Notice of Conference to Respondent at his last known address on file with the Board, by certified mail, #70120470000049590134, on September 17, 2013. The conference with the Committee was scheduled for November 14, 2013. The Board received the green certified mail receipt on September 26, 2013. The card was signed on September 23, 2013 by Alex Buechel.

11. Additionally, the Board sent the same Notice of Conference by regular U.S. Mail, to the same address as the certified mail #70120470000049590134, on September 17, 2013. As of the date of this Cease and Desist Order and Notice of Right to Hearing, this Notice of Conference sent by U.S. Mail, has not been returned to the Board by the U.S. Post Office.

12. Respondent did not appear at the conference with the Committee on November 14, 2013 and he did not contact the Board prior to the scheduled conference date to request that the conference be rescheduled.

13. Respondent's failure to respond to the Board's allegation letters and the Notice of Conference and failure to appear at the November 14, 2013 conference with the Committee constitute failure to cooperate with communications sent by the Board and failure to appear before the Board within the meaning of the Board's rules.

14. Respondent's conduct as described above violates the following Board Statutes and Rules: Minnesota Statutes section 326.02, subdivisions 1 and 3; Minnesota Statutes section 326.03, subdivision 1 (2012); Minnesota Rule 1800.0100 (2013) and Minnesota Rule 1800.0110 (2013).

15. The following order is in the public interest.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minnesota Statutes section 326.111, subdivision 3 (2012), that Respondent Robert A. Walz shall **CEASE AND DESIST** from holding himself

out as a professional engineer in Minnesota, from practicing professional engineering in Minnesota, and from further violations of Minnesota Statutes sections 326.02 through Minnesota Statutes section 326.15 (2012) until such time as he becomes licensed as a Professional Engineer in the State of Minnesota.

IT IS FURTHER ORDERED THAT pursuant to Minnesota Statutes section 326.111, subdivision 6(a) (2012), Respondent shall pay a **CIVIL PENALTY** of Two Thousand Dollars (\$2,000.00) to the Board, within sixty (60) days after the date of the Board's approval of this cease and desist order.

NOTICE OF RIGHT TO HEARING

Pursuant to Minnesota Statutes section 326.111, subdivision 3 (2012), Respondent may request a hearing in this matter. Such request must be in writing and served upon the Board within thirty days after service of this Order, whereupon a hearing will be held within thirty days after receipt of the request unless Respondent and the Complaint Committee agree that the hearing be scheduled after the thirty-day period. In accordance with Minnesota Statutes section 326.111, subdivision 3 (2012), if no hearing is requested by Respondent within thirty days of service of this Order, this Order will become final and will remain in effect until it is modified or vacated by the Board. In accordance with Minnesota Statutes section 16D.17, subdivision 2 (2012), in the event this Order becomes final, the Board may file and enforce the civil penalty as a judgment without further notice or additional proceedings.

In the event a hearing is scheduled in this matter, it will be held before an administrative law judge of the Office of Administrative Hearings for the State of Minnesota, 600 North Robert Street, Saint Paul, Minnesota, 55101, Telephone: (651) 361-7900. All parties have the right to represent themselves or be represented throughout the proceedings herein by legal counsel or a person of their choice if not otherwise prohibited as the unauthorized practice of law. The hearing will be conducted pursuant to the contested case procedures as prescribed in Minnesota Statutes section 14.57 (2012) to Minnesota Statutes section 14.69 (2012), as amended, and the Rules of the Office of Administrative Hearings, Minnesota Rules Chapter 1400.5010 through Minnesota Rules Chapter 1400.8401 (2011). Failure to

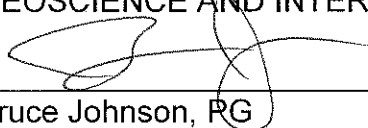
attend the hearing in this matter may result in the allegations of this Order being taken as true and deemed proved without further evidence, the proceeding being determined against the party failing to attend. Questions concerning this Order may be directed to Assistant Attorney General Michele Owen, 1800 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, Telephone: (651) 757-1322.

Copies of the above-cited statutes and procedural rules are available on-line at www.revisor.leg.state.mn.us or may be purchased from the Minnesota's Bookstore, 660 Olive Street, St. Paul, Minnesota 55155, telephone: (651) 297-3000.

IF YOU NEED A REASONABLE ACCOMMODATION for a disability in order to participate in the hearing process, such an accommodation can be made available upon advance request so that the hearing is accessible. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, including a foreign language interpreter, the Board office must be promptly notified. To arrange an accommodation or an interpreter, you may contact Doreen Frost, Executive Director of the Board, Suite 160, 85 East Seventh Place, St. Paul, Minnesota 55101, or you may call: Voice (651) 296-2388 or TDD (651) 297-5353.

Dated: 11-25, 2013

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Bruce Johnson, PG
Complaint Committee Chair